

Sullivan County NH

Type of meeting: Board of Commissioners Public Business Meeting

Date/Time: Tuesday – July 25, 2006; 1 PM

Place: Unity County Complex, Health Care Facility,
Business Conference Room, 1st Floor

Attendees: Commissioner Donald S. Clarke – *Chair*, Ben C. Nelson – *Vice Chair* (arrived later) and Ethel Jarvis – *Clerk*; Ed Gil de Rubio – *County Manager*; Bard Flanders – *Unity Conservation Committee*; Brian Hotz – *SPNF*; Courtney Marshall – *Health Care Administrator*; Heidi Smith – *Health Care Director of Nursing*; Rob Riley – *Micro Credit-NH* (arrived later); Chuck Hersey – *County Forester*; Sharon Johnson-Callum (minute taker).

Other public attendees: David Corriveau - *Valley News staff writer*, State-County Delegate John Cloutier

1:06 The meeting was called to order by Commissioner Clarke. The *Pledge of Allegiance* was led by Commissioner Jarvis.

AGENDA ITEM NO. 1 JUDKIN'S PROPERTY CONSERVATION EASEMENT CONTINUED DISCUSSIONS WITH UNITY CONSERVATION COMMITTEE, SPNF AND COUNTY

Brian Hotz from Society Protection National Forest (SPNF) introduced himself. Bard Flanders noted the purpose - to review the DRAFT conservation easement for the County's Judkin Property and to discuss proposed changes – was per request of the Board. One of the changes pertains to changing the order of names on the easement to SPNF as primary and Unity Conservation Commission as secondary. Mr. Hotz indicated SPNF has been working with the Town of Unity for a number of years in a supportive role on this project; and was approached by the Unity Conservation Commission to shift their role to be the primary holder of the conservation easement – as a monitor and enforcement agent of the easement on the property, which, he indicated, they are comfortable doing, if the County approves. He spoke with his management staff on the differences of what was previously to be a gift of property, to what now appears as a purchase. He received a copy of the appraisal report, but not the DRAFT easement. He briefly spoke of easement holdings of SPNF on a Strafford County property and 25 other town properties. He indicated SPNF would assist in redesigning the easement and he was here to answer questions. Commissioner Clarke asked if usage, which he feels strongly should be left open for all recreational activities, for example: snowmobiles and atv's would change on the easement; and, he spoke of a 5 acre parcel to be held for single family home – farm type – in case someone wanted to buy it in the future for that type of reason. Mr. Hotz confirmed recreational activity would continue to be allowed, including atv's - as long as it does not enter into wetlands or destroy habitat. General discussion regarding the five acre parcel commenced. Mr. Gil de Rubio asked why the change in roles? Mr. Flanders explained, the way it's happening, SPNF has people that monitor on yearly basis ...towns when they get involved, if it becomes an issue, the town does not,

often times, have the funds to carry it through, but when done this way they can collaborate on funds and get private funds. Mr. Hotz noted the society for taking on this role would be requesting money. He understood there would be a "mini fund raising activity". He noted, primarily, their "out of pocket expense would be legal fees"; the biggest expense is associated with the role as easement stewardship endowment fund – a pooled fund SPNF has for 570 conservation easements statewide to pay for full time and part time monitoring activities and defense – use if an when there is a violation that requires legal action; these funds are acquired for each project through individuals, membership, Unity Conservation Commission would be expected to pay for this. Mr. Gil de Rubio wanted it noted the County, taxpayers, would not be paying any money into this fund. Mr. Hotz noted their stewardship funds range from a minimum of \$2,000 up to \$10,000 for the easement stewardship program, all: a one-time donation fee. Mr. Flanders noted the way the easement was designed, the intent, if the County ever decided to sell the property they could sell it in it's entirety and the buyer would have a 5 acre building lot so that the property would retain its value. Commissioner Clarke concurred that was the same assumption the appraisal was based on, also. Mr. Hersey asked if the property had recently been surveyed, and wondered if SPNF would require one. Mr. Hotz noted, if clearly marked, the survey was not necessary, but for the 5 acres to be withdrawn in future, the bounds of the easement would change and a survey would be required at that time – at least to designate the 5 acres. Commissioner Clarke spoke of the forest management plan done through New England Forestry Management. Commissioner Jarvis wanted it clearly known that you could not remove a 5 acre parcel of land to sell, due to being on a class 6 road and could not be subdivided. Commissioner Clarke was not sure he agreed with her, and pointed out it was not being divided out, but would be an annex of the property. Commissioner Clarke stressed the importance to have an agreement from the Town of Unity, as the easement is drawn up, since that is the premise the appraisal was based on, having an annexed 5 acre lot okay to build on. Mr. Flanders felt there was no problem with anyone trying to build on that 5 acres, the only thing they are interested in, is that the 5-acre parcel be identified and surveyed out. Mr. Hotz clarified that survey is just to identify the 5-acre parcel, not to subdivide, not to be considered a separate parcel. Mr. Gil de Rubio noted he met with the County Attorney regarding the legal validity of easement, terms, and statutory concerns between Commissioners and Delegates since it's been some time since the Delegates voted on it. Mr. Gil de Rubio indicated he did not request a written opinion; but that Mr. Hathaway indicated he could see no legal issues based on the easement presented and recommends the County place a time expiration date on the conservation easement itself and does not see any reason to go before the Delegation again. Mr. Hotz noted SPNF would not accept a termed easement. Commissioner Clarke and Mr. Flanders concurred it would defeat the purpose of the conservation easement, and Mr. Clarke pointed out termed easements could be broken with act of legislation. All in attendance was given a copy of the DRAFT easement, including Mr. Hotz. Commissioner Clarke would like Commissioners to have conversation with the County Attorney regarding his recommendation of a termed easement. Mr. Hotz noted Town of Unity will hold Executorial Interest in property with SPNF as the Grantee, the primary holder of easement with their job to monitor and enforce the easement; the Executorial interest is considered a "back up", should SPNF go out of business then the Town of Unity can step

in and take over as primary holder of easement – this format gives insurance there is another entity standing in the wings. Commissioner Clarke requested Mr. Hotz to make proposed changes to DRAFT easement and return it to them for review with the County Attorney. He inquired about the time frame of offer before “closing”. Mr. Flanders discussed the time lost to review easement, and at what point he can make this transaction public and begin raising funds. Mr. Gil de Rubio noted it was already made public by holding conversations regarding the issue during the Commissioners public meetings. Mr. Flanders indicated he did not have the exact figures of the cost. Johnson-Callum reminded them the value of the easement was \$41,000 with cost of appraisal at \$4,800. Mr. Flanders noted the County agreed to split the appraisal cost; accordingly, the total to transfer to easement, he thought, would be approximately \$43,880. Commissioner Clarke asked if this required action at a town meeting? Mr. Hotz indicated it would require the selectmen approval, signature, as the town would hold an interest in the property - as an easement is considered an acquisition in land. Mr. Flanders noted they have been in favor of this for many years. Mr. Flanders confirmed the Conservation Commission had \$10,000 and will acquire the balance through fund raising - at this point an extension on the closing time frame was not needed. Mr. Hotz noted SPNF would perform a waste evaluation of the property, base line documentation, title abstract, review and revise the draft easement and would contact Mr. Gil de Rubio within two weeks with the revisions. Mr. Gil de Rubio confirmed the issue would be placed on the August 8th agenda.

1:36 Rob Riley and Commissioner Nelson joined meeting. Brian Hotz and Mr. Flanders left the meeting.

AGENDA ITEM NO. 2 MEETING MINUTES REVIEW

AGENDA ITEM NO. 2.A. JULY 11, 2006 SPECIAL/PUBLIC MEETING MINUTES

1:37 A motion was made, by Commissioner Nelson, to approve the July 11, 2006 Special/Public Business Meeting Minutes. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 2.B. JULY 11, 2006 EXECUTIVE SESSION NO. 1 1:31 PM RSA 91-A:3.II.C.
Mr. Gil de Rubio recommended the Board release them after approval.

1:38 A motion was made, by Commissioner Nelson, to approve the July 11, 2006 Executive Session held at 1:31 p.m. and release them. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 2.C. JULY 11, 2006 EXECUTIVE SESSION NO. 2 1:53 PM RSA 91-A:3.II.C.
Mr. Gil de Rubio recommended the minutes be approved but kept sealed to place in the person's personnel file.

1:39 A motion made was made, by Commissioner Jarvis, to approve the July 11, 2006 Executive Session held at 1:53 p.m. and to keep them sealed due to a personnel issue. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 2.D. JULY 11, 2006 EXECUTIVE SESSION NO. 3 3:02 PM RSA 91-A:3.II.D.
Mr. Gil de Rubio pointed out there were several issues. The Board requested to table the minutes in order to split into separate executive session meeting minutes.

1:40 A motion was made, by Commission Nelson, to table the July 11, 2006 Executive Session held at 3:02 p.m. exec session July 11th, in order to split out as there were several issues involved. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 3. MICROCREDIT-NH

Rob Riley of MicroCredit-NH introduced himself. He handed out a one-sheet overview of their programs and quarterly newsletter. He noted the purpose for today was to update the Board on what and how MicroCredit-NH was doing in Sullivan County. He noted the Boards approval with their programs helps them with their files and future CDBG funding. Overview – they work with self-employed people and provide access to capital – which MicroCredit has increased from \$10,00 to \$15,000. They provide training and technical assistant, equity investments, networking and expansion of marketing opportunities, to self employed people. They hold programming within the county in Charlestown, Claremont and with residents from 11 other communities throughout the county. Over the past year, they've held twenty (20) different events ranging from one-on-one loan counseling, business planning, a partnership with Adult Education program and a partnership with the Claremont Chamber to look at marketing issues; and, brought in close to 100 people across the county. A sampling of the members they work with was shown on the handout and included farmers, an ice cream stand, a main street retail business. They are there for them to access the services they provide and to enhance and grow their businesses. They try to increase business gross sales, provide with them a better job and collect data from individuals regarding household incomes, job retention; services micro businesses are not able to access elsewhere. Micro business enterprises are businesses that have up to 5 employees, with less than \$35,000 of start up capital needs and revenues under \$500,000. He noted 88% of businesses in the county fall in this category; statistics retained from the census data. By 2001/2002 they became active and operating full staffed in every county across NH. They offer both loan capital and technical assistance statewide, and, are the only program to do so. He handed out a Sunday Eagle times July 9th article and confirmed Robin Picard was the regional manager in this region, working out of her home and traveling with laptop/cell phone - keeping overhead costs down. They try to keep press up to date, have quarterly newsletters, hold free sessions during day and evenings and use partner offices or other business storefronts and cafés to hold meetings. Lending funds come from a statewide non-profit, NH Community Loan Fund (NHCLF), which is a revolving loan fund of \$45 million dollar that works with housing areas, childcare issues, workforce strategies; and

MicroCredit NH's portfolio, which is one of nine NHCLF programs, works with approximately \$200,000 of that fund – lending to approximately 100 borrowers. CDBG funds are used to sustain people on the ground to provide services.

1:52 A motion was made, by Commissioner Nelson, authorizing the Board of Commissioners to send a letter of support. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Mr. Riley will contact Mr. Gil de Rubio regarding the letter of support.

1:53 Mr. Riley left the room. Johnson-Callum left room to see if Mr. Chanis was available to speak on the next agenda issue and returned. Sam Fletcher entered the room to advise the group that Mr. Chanis was occupied with an emergency, unable to attend. She immediately left the room.

AGENDA ITEM NO. 4 FACILITIES – RECORDS BUILDING LANDSCAPE PROPOSAL

Mr. Gil de Rubio indicated the Facilities Department has shrubs and UNH Cooperative Extension has funds they are donating, along with about \$300 from the County funds, to dress up the landscaping in front of the Records Building in Newport. Mr. Chanis had wanted to let the Board see the plans. Mr. Gil de Rubio indicated Mr. Chanis can update them at the August 8th meeting. Commissioner Clarke noted that the work did not need to be put off until that meeting. Commissioner Nelson requested Mr. Gil de Rubio contact the Town of Newport to make sure what they were doing fits in with what Newport was doing.

AGENDA ITEM NO. 5 HEALTH CARE REPORT

STAFFING – Mr. Marshall indicated all department head positions were filled, the first time since he came on board, with the final position of Activities Director filled by Ann LaBelle, Monday. They have four Unit Managers. Ms. Smith indicated the transition away from the Baylor position, to every other weekend, was going well. She noted, out of the 35 Baylor positions, they only lost four (4) employees who resigned to seek employment elsewhere. The remaining LNA/Baylor employees have taken other positions on the 11-7 and 3-11 shifts, with some on days. She noted this enhances staffing on the 3-11 shift. They are currently in the middle of a transitioning people to every other weekend. Ms. Smith indicated they created a list of six (6) positions needed – part of which is to replace and part of which is needed as they recognize, as the census climbs, particularly on the Stearns I Unit; they need to keep looking at staff levels. Mr. Gil de Rubio reminded them of their predictions of being overstaffed. Ms. Smith noted with the four that left, they are looking at coming out even, at this point, but as resident levels increase, the six additional positions they are looking at will fill the shift out nicely. Ms. Smith noted staff has been very good working through the process. They are looking at one more nurse on the 3-11 shift and possibly returning to a 3-11 supervisor due to the built up load being created - a supervisor to go out on the floor to help with the

backups. Commissioner Nelson noted, for the public, contrary to the media reports of huge layoffs, no one was laid off and only four resigned on their own. Ms. Smith also indicated they were able to convert one of the Baylor employees to a FTE.

NHAC CONFERENCE CALL – NOT ON AGENDA

Commissioner Clarke noted the New Hampshire Association of Counties scheduled a 2 p.m. conference call today that the Commissioners, County Manager and Health Care facility Administrator would be participating in to discuss the nursing home rates and a letter from John Stephen to John Poirier. He invited all in the room to remain.

2 PM We logged in to the conference call.

A roll call was taken by Kathi Fortin, NHAC Coordinator which showed the following counties participating: Belknap, Carroll, Cheshire, Coos, Grafton, Merrimack, Rockingham and Sullivan. Those not on the conference call included: Hillsborough and Strafford. General discussions commenced regarding the letter, budget neutrality, current rates and how they are calculated. Bob Chase's, Administrator at the Merrimack County Nursing Home, spreadsheet comparing cost to reimbursement and the computed daily rate to reimbursement was discussed. The group requested Mr. Chase to share the data on the spreadsheet at the hearing set for tomorrow @ 9 a.m. in Concord-Legislative Building. Representation from each county was encouraged to attend.

2:34 Conference call ended.

Commissioner Clarke spoke briefly to Delegation Chair, John Cloutier, discussing the rates and the data on the spreadsheet they received from Bob Chase. Mr. Cloutier spoke of submitting a bill. Mr. Gil de Rubio indicated he would be unable to attend the hearing as was anticipated, due to another commitment. Commissioner Clarke noted it was Fred King's intention that county representation be a non-elected official.

AGENDA ITEM NO. 5 HEALTH CARE REPORT ...CONTINUED

AGENDA ITEM NO. 5.C. PHYSICIAN RECRUITMENT

Mr. Marshall discussed the staff working with physicians, encouraging them to take on a higher caseload, and Dr. Schissel and Caloras have agreed to take on more patients. Dr. Rosen has a couple and Dr. Prinsen agreed to follow his patients to the nursing home. Commissioner Nelson recapped, for public, that Dr. Schell is leaving, which is why the physician crisis is occurring. Ms. Smith noted Dr. Pheland left, also. Mr. Marshall assured the Board they have not turned away an admission, but it has slowed the admission process. He noted they don't have an immediate solution or answer, except to beg and try to get physicians we know. Ms. Smith noted they thought they had some interest at the Valley Regional luncheon, but made follow ups with failure – doctors have expressed the facility is too far out of town. Mr. Gil de Rubio asked of Mr. Marshall if he

met with Ray Thivierge and Arthur O'Leary to form a strategy plan pertaining to this issue. Mr. Gil de Rubio noted Mr. Thivierge had eluded this is common throughout nursing homes and that they could handle it, and the County needs a little more reassurance. Ms. Smith noted the problem would be alleviated if they had a full time doctor along with a nurse practitioner.

3:52 Rep. Cloutier left room.

AGENDA ITEM NO. 6 COUNTY MANAGER REPORT

AGENDA ITEM NO. 6.A. PANDEMIC PREPAREDNESS MEETING UPDATE

The Pandemic Preparedness subcommittee will meet tomorrow. They will review documents, complete application and budget, and submit the application to NH State DHHS to apply for funds between \$32,000 - \$33,000 in order to continue regional preplanning.

AGENDA ITEM NO. 6.B. GOALS

Mr. Gil de Rubio noted Primex would be holding goal setting strategy planning workshops; with Nick Manolis, for Sullivan County for elected officials and department heads August 17th 9 a.m. in Newport. Mr. Gil de Rubio anticipates doing the same process in the fall after the November elections for the Delegations, Commissioners and County Manager, in order to figure out how they can relate and goal set. He noted there would be no cost to the county.

AGENDA ITEM NO. 6.C. NATIONAL HEALTH AND NUTRITION EXAMINATION SURVEY UPDATE

Mr. Gil de Rubio briefly discussed the National Health & Nutrition surveys being conducted around the county - a Federal project. They will bring exam modules and do health tests; and will be holding an open house Thursday, August 3rd from 9-12 noon, at the NH Community Technical College.

AGENDA ITEM NO. 7 COUNTY COMMISSIONERS REPORT

Commissioner Nelson and Jarvis indicated they had no reports.

Commissioner Clarke asked Commissioner Jarvis about the status of the County Land Use [Assessment] Committee - noting at a recent meeting he attended of the NH Fish & Game they discussed small grant funds available for brush hogging. Commissioner Jarvis will follow up on this.

AGENDA ITEM NO.8 PUBLIC PARTICIPATION

There was none.

AGENDA ITEM NO. 9 ADJOURN MEETING TO ATTEND DOC AWARDS PRESENTATION AND DOC/THU TOUR

2:59 A motion was made, by Commissioner Nelson, to adjourn the meeting to attend the DOC Awards Presentation at the Ahern Building. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ethel Jarvis".

*Ethel Jarvis, Clerk
Board of Commissioners*

EJ/s.j-c.